

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

CHRISTINA LIVINGSTON,

Plaintiff,

v.

No. 2:21-cv-853 CG/KRS

MISSION SUPPORT SERVICES, LLC,
KEVIN FOSBURG, and DAVID WADE,

Defendants.

ORDER TO SHOW CAUSE

THIS MATTER comes before the Court *sua sponte*. This action was removed to this Court on August 30, 2021. (Doc. 1). On September 3, 2021, Defendants Fosburg and Wade filed an answer to the complaint. (Doc. 4). The docket does not reflect that Plaintiff has served Defendant Mission Support Services, LLC, and no answer or other responsive pleading has been filed by that Defendant. Pursuant to Federal Rule of Civil Procedure 4(m), Plaintiff was required to serve Defendants within ninety days of filing the complaint. In addition, Rule 41(b) of the Federal Rules of Civil Procedure authorizes the Court to dismiss an action *sua sponte* for failure to prosecute. *See Olsen v. Mapes*, 333 F.3d 1199, 1204 n.3 (10th Cir. 2003); *see also* D.N.M. LR-Civ. 41.1 (“A civil action may be dismissed if, for a period of ninety (90) calendar days, no steps are taken to move the case forward.”). More than ninety days have passed since Plaintiff took any step to move this case forward as to Defendant Mission Support Services, LLC.

IT IS THEREFORE ORDERED that **on or before January 10, 2022** Plaintiff must provide the Court with a written explanation showing good cause why this case should not be dismissed as to Defendant Mission Support Services, LLC, for failure to prosecute.



KEVIN R. SWEAZEA
UNITED STATES MAGISTRATE JUDGE